



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,062	04/13/2004	Rafael P. Bouffard		3974

27189 7590 10/31/2005

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

EXAMINER

CHAMBERS, MICHAEL S

ART UNIT PAPER NUMBER

3711

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TRM

Office Action Summary

Application No.

10/823,062

Applicant(s)

BOUFFARD ET AL.

Examiner

Mike Chambers

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Saunders et al (5810363). Saunders discloses a tensional two-dimensional material having a frameless perimeter, opposite upper corners, and a bottom secured to ground, the tensional two-dimensional material located in a vertical plane perpendicular to the ground, a pair of adjustable spring mechanisms coupled to the upper corners and providing the upper corners in tension in an upward vertical direction and a outward horizontal direction, wherein the tension in the tensional two-dimensional material is adjustable with the adjustable spring mechanisms while the tensional two-dimensional material is under tension and the tensional two-dimensional material is positionable in a vertical plane perpendicular to the ground upon adjustment of the tension in the tensional two dimensional material with the adjustable spring mechanism (fig 1, 4:8-9).

As to claims 2 and 4 : Saunders discloses a frameless portable suspension system (fig 1). In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112). The intended use of the device is not a limitation in the apparatus claims.

Also,

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Powell (5263468). Powell discloses a tensional two-dimensional material having a frameless perimeter, opposite upper corners, and a bottom secured to ground, the tensional two-dimensional material located in a vertical plane perpendicular to the ground, a pair of adjustable spring mechanisms coupled to the upper corners and providing the upper corners in tension in an upward vertical direction and a outward horizontal direction, wherein the tension in the tensional two-dimensional material is adjustable with the adjustable spring mechanisms while the tensional two-dimensional material is under tension and the tensional two-dimensional material is positionable in a vertical plane perpendicular to the ground upon adjustment of the tension in the tensional two dimensional material with the adjustable spring mechanism (fig 1, 4:8-9).

As to claims 2 and 4 : Saunders discloses a frameless portable suspension system (fig 1). In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112). The intended use of the device is not a limitation in the apparatus claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Respini (3195898) in view of Jones (5492430). Respini discloses the elements of claim 1, however it fails to clearly disclose the use of an adjustable joint. Jones discloses the use of an adjustable joint. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the joint of Jones with the apparatus of Respini in order to provide a device that can be customized for each player and more easily transported.

As to claims 2 and 4 : Respini discloses a frameless portable suspension system (fig 1). In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112). The intended use of the device is not a limitation in the apparatus claims.

As to claim 3 : The dimensions claimed are a matter of design choice. The specification provides no unexpected or surprising results in using the dimensions claimed. It would have been obvious to one of ordinary skill in the art to have selected an appropriate size for the device based on cost and design considerations.

As to claims 5 and 6: Jones discloses telescoping adjustable length poles (fig 1).

As to claim 7 : Respini discloses poles that can pivot in relation to the ground. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired.

As to claim 10: The limitations claimed are a matter of design choice. The specification provides no unexpected or surprising results in using the limitations claimed. It would have been obvious to one of ordinary skill in the art to have selected

Art Unit: 3711

an appropriate tension in order size for the device based on cost and design considerations.

As to claims 11 and 13: See claim 1 rejection. Note the application does not contain a claim 12.

Claim 9 is are rejected under 35 U.S.C. 103(a) as being unpatentable over the cited art as applied above and further in view of Plant (1557940). Plant discloses the use of adjustable guy lines (fig 2, 1:49-56). Adjustable guy lines are well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the adjustable guy line of Plant with the apparatus of ssss in order to xxxxx to more easily adjust the device.

Also,

Claims 1-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson (3856301) in view of Powell (5263468). Davidson discloses the elements of claim 1, however it fails to clearly disclose the use of ground anchors. Powell discloses the use of ground anchors. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the ground anchors of Powell with the apparatus of Davidson in order to better secure the device during play.

As to claims 2 and 4 : Davidson discloses a frameless portable suspension system (fig 1). In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112). The intended use of the device is not a limitation in the apparatus claims.

As to claim 3 : The dimensions claimed are a matter of design choice. The specification provides no unexpected or surprising results in using the dimensions claimed. It would have been obvious to one of ordinary skill in the art to have selected an appropriate size for the device based on cost and design considerations.

As to claims 5 and 6: Davidson discloses telescoping adjustable length poles (fig 1).

As to claim 7 : Davidson discloses poles that can pivot in relation to the ground (fig 1). In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired.

As to claim 10: The limitations claimed are a matter of design choice. The specification provides no unexpected or surprising results in using the limitations claimed. It would have been obvious to one of ordinary skill in the art to have selected an appropriate tension in order size for the device based on cost and design considerations.

As to claims 11 and 13: See claim 1 rejection. Note the application does not contain a claim 12.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3856301*5263468*1557940*5492430*3195898*5
810363

Michael Chambers
Examiner
Art Unit 3711

October 13, 2005



EUGENE KIM
PRIMARY EXAMINER